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DEC 28 2010

Appl. No.: 10/563,396
Amdt. Dated December 27, 2010
Reply to Office Action of June 28, 2010

REMARKS

This amendment is submitted along with a request for a three month extension and appropriate fees in reply to the Office Action dated June 28, 2010. Claims 1-22 currently stand rejected. Applicant has amended independent claims 1, 12, 21 and 22 for clarity and to improve their form. Claims 4 and 8 have been amended to incorporate a portion of the subject matter of claims 6 and 9 respectively, which are believed to be allowable. Claims 5, 6, 9 have been cancelled, without prejudice. The new claims 2 and 3 have been added claiming subject matters which were a portion of claim 1. The new claim 13 is currently added which is supported by the specification, 0054-0055 (*page 16 lines 11-14 of the PCT application*). As a result of amendments, claims 2-6 and 10-13 have been renumbered. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §101

Claims 1-22 currently stand pending under 35 U.S.C. §101. Applicant has amended independent claims 1, 12, 21 and 22 to further indicate that the invention according to these claims involve at least inventive step in the light of the cited documents. Accordingly, Applicant respectfully submits that the rejections of independent claims are overcome.

Claim Rejections - 35 USC §102

Claims 1-8, 10-16, 18-22 currently stand rejected under 35 U.S.C. §102(e) as being anticipated by Yoshii et al. (U.S. Patent No. 20030105809, hereinafter "Yoshii") Claims 12-22 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over to Yoshii in view of Zigmund et al, (U.S. Patent No. 6,698,020).

According to Yoshii, the user terminals send schedule data to the automatic distribution server 100 in response to a user action, to specify what each customer wishes to receive and when, 0104. The server delivers requested content according to the delivery schedule

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information created at the customer's terminal. The proposed system permits the customer to receive desired content at desired times from the server, 0098. Yoshii also disclose advantage of the proposed system over conventional live broadcasting systems which is preventing content delivery requests from concentrating in a particular time period, 0099.

Yoshii, describe the program editing stations 310 and 320 create and edit program video streams. They send the finished program content to the video distribution server 200, as well as providing information about such content to the automatic distribution server, 0103. Yoshii also describes the automatic distribution server 100 also manages content delivery times according to each customer's schedule data which is received from the user terminals. The automatic

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